

The articles were alleged to be adulterated in that imitation boysenberry, blackberry, raspberry, strawberry, and Blackcap (black raspberry) jams had been substituted in whole or in part therefor.

They were alleged to be misbranded (1) in that the names "Boysenberry Jam," "Blackberry Jam," "Raspberry Jam," "Strawberry Jam," and "Blackcap Seedless Jam" were false and misleading as applied to articles which purported to be and were represented to be jams, foods for which definitions and standards of identity had been promulgated by regulations as provided by law and which failed to conform to such definitions and standards of identity; (2) in that they were imitations of other foods, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated; and (3) in that they purported to be and were represented as jams, foods for which definitions and standards of identity had been prescribed by regulations as provided by law, but they failed to conform to such definitions and standards since the soluble-solids content of such articles was materially less than 68 percent.

On March 19, 1942, Oswego Jelly Co., claimant, having consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and the products were ordered released under bond conditioned that they be relabeled as imitation jams, under the supervision of the Food and Drug Administration.

3151. Adulteration of egg plant appetizer. U. S. v. 997 Cases of Egg Plant Appetizer. Default decree of condemnation and destruction. (F. D. C. No. 5596. Sample No. 69600-E.)

Examination showed that this product contained rodent hairs, insect fragments and larvae, and mites.

On August 30, 1941, the United States attorney for the Eastern District of New York filed a libel (amended September 3, 1941) against 997 cases, each containing 100 cans, of egg plant appetizer at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by Uddo-Taormina Corporation from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Cans) "Progresso Caponata Net Contents 5 Ozs. Avoir. * * * Egg Plant Appetizer."

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3152. Adulteration of pepper sauce. U. S. v. 1,008 Bottles and 1,404 Bottles of Pepper Sauce. Default decree of condemnation and destruction. (F. D. C. No. 6599. Sample Nos. 11309-E, 11310-E.)

This product contained insect fragments and miscellaneous filth.

On December 24, 1941, the United States attorney for the Southern District of Texas filed a libel against 2,412 bottles of pepper sauce at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 5, 1941, from St. Martinville, La., by Evangeline Pepper & Food Products (Ed Bulliard); and charging that it was adulterated. The article was labeled in part variously: (Bottle) "Bulliard's Evangeline Brand * * * Pure Louisiana Red Hot."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance in that the article contained insect fragments and miscellaneous filth; and in that it had been prepared, packed or held under insanitary conditions whereby it might have become contaminated with filth.

On February 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3153. Adulteration of pepper sauce. U. S. v. 78 Cases of Pepper Sauce (and 2 other seizure actions against pepper sauce). Decrees of condemnation and destruction. (F. D. C. Nos. 6812, 6814. Sample Nos. 68161-E to 68164-E, incl., 72090-E.)

Examination showed that this product was contaminated with filth, such as insect fragments, rodent hairs, and nondescript dirt.

On February 3 and 6, 1942, the United States attorneys for the Northern District of Texas and the Southern District of California filed libels against 395 cases of pepper sauce at Dallas, Tex., and 78 cases of pepper sauce at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 5, 1941, to on or about January